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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,538	10/20/2000	John O. Moody	FS-00504	3407

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EXAMINER

NGUYEN, NAM V

ART UNIT PAPER NUMBER

2635

DATE MAILED: 11/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/692,538

Applicant(s)

MOODY ET AL.

Examiner

Nam V Nguyen

Art Unit

2635

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The drawing correction filed on 05 June 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: On page 2, last paragraph, Applicant argument that Bolavage et al. in view of Heiman et al. did not properly address even the basic concept of the present invention. The claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). Bolavage et al. disclose a system includes a logistic server connected to a local area network. Logistic server is connected to a gateway which in turn is connected to a local client and a smart interrogator. The smart interrogator communicates and associates with plurality of tags (see Figure 1). The tags transmit unique information to the smart interrogator for the local client or corporate clients to report or track the asset information and to update status of a particular asset in database (see Figure 3). There is no difference between the smart interrogator of wireless automated data network system of Bolavage et al. from an "access point" of the network, as recited in the claims. Heiman et al. also teach a radio data communication network (see Figure 1). In a normal data communication installation, a central computer 12 is connected over a wired network 20 to radio data access points 18a, 18b and 18c. The wired network arrangement may be a token ring or Ethernet connection between the access points and the central computer. The number and physical location of access points 18 is selected according to the radio data communications capabilities required in a facility. In a relatively small office, warehouse or retail store, only a single access point may be required. In a more complex installation, such as a hospital, additional access points may be required to provide increased area coverage and an increased number of communication channels to accommodate a larger number of terminals. FIG. 1 shows conventional radio-connected terminals, including personal computer 14 and point of sale terminal 16. Other conventional data communication terminals may include wireless bar code scanners, lap top computers and the like. Terminals 14 and 16 are provided with a data modem and radio module which are arranged to be compatible with the data communication system 10. In particular, in systems which follow the standards of IEEE 802.11, the mobile units scan the available access point beacon signals and associate themselves through radio data communication with a particular selected access point, in accordance with the strength of the radio signal from the access points, and the number of mobile units which have previously been associated with a selected access point (column 3 line 60 to column 4 line 14). Therefore one skilled in the art understands that the Bolavage et al. in view of Heiman et al. disclose the basic concept of a transponder and an asset tracking system as claimed.

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